

# Stark County Democrat.

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ONE DOLLAR PER YEAR

## MORE LIGHT

Is Needed on the Subject Before the Line of Defense Can Be Determined.

## IT IS CERTAINLY A MATTER OF SPECULATION

And No News-Gatherer, Either Local or Foreign, Can Do Anything More Than Conjecture.

## A DENIAL THAT THREATS MADE WERE EXECUTED

Will Undoubtedly Be Made By the Defense—The Burdock Burrs and Spanish Needles Will Cut But a Small Figure, as They Were Ruled Out of the Case—Revolver Incident May Not Have Much Weight—Missing Witness' Evidence.

[From Tuesday's daily.]

Speculation as to the defense that will be put up by the attorneys who are defending the life and liberty of Annie E. George is not assisted by today's proceedings, save in a general way. First of all, the commission of the crime is denied. In his opening statement, Mr. Welty said: "We have pleaded not guilty to this indictment, and will always plead not guilty to it." That statement does not necessarily bind the defense, but it may be accepted as a fact that during the progress of the trial the defendant will in no manner admit the killing, but will, on the other hand, continue to deny it. As proof of that, the first business of the defense will be to show the condition of the weather on the night of the alleged homicide, the darkness of the night, the condition and strength of such lights as there might have been about the premises, and the impossibility of recognizing anyone at the distance the state claims to have recognized the accused.

The alleged identification of Mrs. George will embrace not only the physical impossibility of the alleged reliability of the party or parties making the alleged identification, particularly as to habits and the mental consequences of those habits.

Further, it is likely to be shown that the condition of these lots about the Althouse premises was such that no one could have gone through them, as the state claims the person who killed Saxton went and yet show no evidence of it, but on the contrary, came to police headquarters a short time thereafter with dusty shoes and dry garments as the state witnesses testified. This will doubtless be for the purpose of showing that if the party who did commit the murder went in the direction the state claims it must have been some person other than Mrs. George.

Burdock burrs and Spanish needles were found on the dress but there are so many of them in the city and so many opportunities are offered on too many of the streets of Canton to attach themselves to the sweeping garments of ladies that this branch of the case of the state may not cut much figure. Besides they are not in the one having been ruled out.

Such evidence as was produced by the state in this connection will likely be met by testimony as to how the Spanish needles and other evidences of wild growth came to be hanging to the garments of the accused after her arrest.

So far as the revolver story is concerned it is understood that the defense does not attach much importance to its weight but feels that it will fall with what little weight it may have, so slender is the thread which connects it with the case. It is contended by those who have given this branch of the lawsuit attention that Mrs. George has not admitted at any time that she put the revolver where William Haesler says he found it. It is also said that she might have put the weapon there at some time or other and still not have killed Saxton with it. That supposition is remote, but there is no evidence of an eye-witness that she put it there at all.

As to the threats made by the accused it is evident that the testimony brought out on the cross-examination of W. O. Wernts and others has a bearing as to their disposition, or at least the attempt

### STATE'S LAST TESTIMONY.

#### LOUISA SUSKY.

Like Her Sister, Declares She Heard Five Shots Fired.

At the Monday afternoon session Miss Augusta Susky again took the stand for re-examination by Mr. Pomerene. She said she saw lights in the Glick home.

Miss Louisa Susky, a sister of the former witness, was next called. She also heard five shots, first one, then two and later two more. She saw no one go past Third street or down Third street after the shooting. Her evidence was of a character similar to that of her sister. She said there was a light in the front window of the Glick residence. She said Mr. Depplish and Mr. Berger were present when she reached the body. Witness said a dozen persons might have passed on Third street without her seeing them, after she went down Lincoln avenue to the Ekroate home. She also said she recognized two men from the east side of the street when they were standing by the body.

#### MRS. MARY GLICK.

Who Lives Next to the Althouse Residence Testifies.

Mrs. Mary Glick was called. She said she was eating supper when the shots were fired. She described the interior of her home and the lamp on the south window. She said it cast a light out onto the lawn. She had seen Mrs. George about the Althouse place twice prior to the shooting. She heard a woman whom she thought was Mrs. George say: "Mr. Saxton, you can't go in there." Then her husband called her to come. Witness was in the Ekroate house today and leaned out of the window as Mrs. Ekroate had said she leaned. Witness said she could see under the limbs of the trees to the Althouse steps. This testimony was not allowed, as the trees are not in the same condition as they were on the night of October 7.

On cross-examination witness said she didn't know whether it was a dark night. She told of an occasion when Mr. Sterling and Mr. Welty went out there to examine as to the light cast by the lamp on the lawn. Mr. Sterling put a handkerchief over his hat and walked along by the steps of the Althouse place. Mrs. Glick and Mr. Welty stood on the

opposite side of the street. Witness said she could see the white on Mr. Sterling's hat but she could not recognize him. Witness did not notice any cherry tree between the Ekroate window and the Althouse steps. She also said it was not unusual to hear a racket next door.

#### MRS. MARY BORROUN.

The State Tries to Get Her to See Through That Tree.

Mrs. Mary Borroun, a daughter of Mrs. Ekroate, was called. Mr. Pomerene had also had her look out of the window from which her mother says she looked on the night of the shooting. Witness said the screen could be moved only a portion of the way out and that it could be moved only enough to make a small opening so as to peek out. She said she did not look out through the screen.

#### OWEN ON THE STAND.

He Was Merely Called to Identify a Letter.

A. P. Owen was called. He has been variously mentioned in the case before, and there was a hum in the court room when he came to the stand. He was shown the letter sought to be introduced in evidence. Witness said he first saw the letter some time in August, 1897, in the hands of George D. Saxton. He identified the letter as the one that was in the United States court.

Squire Robertson was recalled but the court did not feel that the identification of the letter had been completed and the state's attorneys said they had no further identification to offer and the letter was excluded.

The state next offered the burdock burrs and Spanish needles, but they had not been properly identified. One witness had said that they were not in the same condition they were in when put into the envelope, and they were excluded.

Here the state rested.

## DEFENSE OPENS.

Just an Even Hundred Witnesses Are Named.

The witnesses for the defense were called. There were just an even hundred names read, indicating that if all are used this will be a long case yet.

The defense wanted to cross-examine W. O. Wernts on a matter in connection with the case, and he was recalled.

"Did you observe Mrs. George's appearance and manner in your conversation with her as regards the color of her face?" asked Mr. Welty.

"I observed it was flushed when she would talk of her treatment by Saxton," answered the witness.

"When talking of other matters had her face a natural color?"

"Yes sir."

"What did you notice as to her manner aside from the color in her face?"

"When she became excited she used her arms and hands and gesticulated."

"How often did that occur?"

"Every time I talked with her. It seemed when she kept talking and meditating she got excited."

Charles R. Frazer was recalled. Mr. Sterling asked him if he didn't lose his hat and light a match to find it at the place of the tragedy. He said he did not and was dismissed.

## TUESDAY MORNING.

The Reading of Depositions Consumes Considerable Time.

A great deal of time was taken up at the Tuesday morning session in the Annie E. George case by the reading of depositions that had been taken before the trial commenced the epitome of which is printed elsewhere in this issue as a part of this report of the trial. There were frequent interruptions during the reading of the depositions. Mr. Grant interposed objections to answers in some instances, and many of the objections were sustained. It was 10:55 when the last deposition was disposed of and the defense opened its case proper.

#### CHARLES F. STOKEY.

The Local Observer, Tells How the Weather Was.

Charles F. Stokey, local signal service observer, of Canton, also takes account of the rainfall and the weather conditions generally. He said it had been his duty to make weather observations and keep a record of them. He did so on October 7. Observations are made at 7 a. m. and at 9 a. m. He produced his record and said it commenced raining in the forenoon and by 9 o'clock there was six hundredths of an inch rainfall, and at 10 o'clock in the evening one and one half hundredths, making seven and one half hundredths for the day.

"Did you notice what kind of an evening it was?" asked Mr. Sterling.

"At about 7 o'clock we were coming up town and we feared it might rain," said Mr. Stokey.

"What was the condition of the weather?"

"I did not consider that the rain had closed at 9 o'clock. I have every reason to believe it was 6 o'clock."

"At what time in the afternoon, between 9 and 9 o'clock did rain fall?"

"I think at different intervals." "In what condition would the soil be with reference to being dusty or muddy?" "Well, that would depend on the character of the soil," interposed the court, and the question was not answered.

Mr. Sterling wanted to show that there was no frost till after October 7, that would effect the foliage, but it was not allowed, as some trees, the court held, are not so susceptible to frost as others. Mr. Stokey gave no further testimony.

#### A MISSING WITNESS.

Testimony of Russell Hogan Before the Coroner's Court.

The testimony given by Russell Hogan at the coroner's inquest was introduced as his testimony now. It follows:

"I reside at 216 Lincoln avenue in the city of Canton, Stark county, Ohio. On the evening of the death of George Saxton I had been to Shamfelt's drug store in West Tuscarawas street. I had returned to my father's home and as I was leaving the house and coming out of the front door I heard two shots fired and I went immediately to the pavement in front of the house, and by the time I reached the pavement I heard other shots. I then ran to Ekroate's grocery when I heard the last shot I saw a black object but could not tell who it was. It was straight across from Ekroate's grocery when I saw it, and I could not tell whether it was a man or a woman. Whoever it was walked a little way south and then returned and came down to the open field, and that was the last I saw of it. I went across the street with Messrs. Boron and Bederman. Mr. Boron struck a match and I then saw Mr. George D. Saxton lying on the sidewalk. I knew Mr. Saxton from having seen him go past the house. I don't think I know Mrs. George. I only saw her once that I knew who she was. I know Mrs. Althouse. I could not say whether it was Mrs. George or Mrs. Althouse that I saw going away; in fact, I could not say who it was, whether man or woman. I stood in the gutter there for a short time and some man told me to go to Weiss's and send for the patrol and the doctor. I went down and had Mr. Weiss telephone. I then came back when the patrol came."

#### MRS. CORA CRIFE.

Says the Night of the Murder Was Cloudy and Dark.

Mrs. Cora Crife was called. She resides in Meyer Court, near Lincoln avenue. Witness was eating supper shortly after 6 o'clock and heard two shots. Witness stepped out of the door and heard two more shots. Witness said: "It was a dark, drizzly night, and I think the time was about twenty minutes to 6 o'clock."

On cross-examination by Mr. Pomerene witness said she was from Ashland, Ohio. She said she had not talked about the case with Attorneys Welty or Sterling.

"Have you talked with Andy Wiedland?"

"No sir; I do not know him."

"You do not mean to say it was drizzling when you stepped out of the door?"

"It wasn't drizzling then, but it was cloudy and dark."

Mrs. Crife was on the stand when court adjourned to 1 o'clock.

#### DEPOSITIONS READ.

That of Abraham Goldberg Offered by the Defense—Others Also Read.

Mr. Welty offered to read depositions tending to show the relations existing between the accused and the deceased. The state objected on the ground that the matters complained of, if true, were too remote and did not come within the plea of not guilty offered by the defense.

Judge Taylor said he did not see why it was not competent. He said if a plea of insanity or frenzy be introduced or relied upon in any degree, the testimony should go to the jury. He read from the New York case of Mary Barberi.

The court then decided that such testimony as was sought to be introduced, tending to show their relations, ought to have been admitted on the ground that it tended to show deliberation. It was also decided that the question of how the accused brooded over her wrongs and how she acted should go in, as showing whether a culmination of her wrongs might or might not have produced a frenzy uncontrollable, and which would not come within the meaning of a first degree case.

Judge Taylor decided also that the testimony was admissible on another ground. He stated that a great deal had been said about the relations of the deceased and the Althouse woman, and that it was competent for the state to prove it was competent for the defense to disprove. The evidence was admitted.

Mr. Welty read some depositions and court adjourned to 8:30 Tuesday morning.

The depositions that have been introduced in the case are interesting in establishing the relations of George D. Saxton and the woman who is now accused of having murdered him. Interrogatories and cross-interrogatories were sent to various persons in the west, in connection with the divorce which was secured for Mrs. George, and to other parties who know something of the relations of the

pair. Charles M. Seeley of Canton, South Dakota, was sworn before Commissioner Alkins in Sioux Falls, but his testimony was unimportant. He told of the rooms they occupied on the same floor, but saw nothing unusual in their conduct save that they appeared to be fond of each other.

N. E. Rudolph was also sworn. He had seen them together, but saw nothing that would throw much light on their relations.

T. H. Helgeson of Lincoln county, S. D., said that he was cashier of the Lincoln County Bank, but had never cashed any paper for Mrs. George.

Leslie M. Foot, a clerk at the Harland house, Inwood, Iowa, said Mrs. George's room was the fourth from that of Saxton, and that he saw her in Saxton's room and him in her room at various times. He said they were very affectionate but not more so than he expected from what she had said of him. They accompanied each other to the dining room, sat at table together and often took long walks and rides together. There were bottles left in the room empty after they had been together in the room. Saxton spoke to deponent and to his wife about sending from his home a horse for Mrs. George to use. There was one draft drawn in favor of deponent. He was to get the money and pay it to Mrs. George. It amounted to \$109, and he did as requested. The name of the horse that Saxton was to send to Mrs. George was Windsor M. Deponent had seen considerable money in the possession of Mrs. George, and she always paid her bills.

Mary A. Foot testified she was the wife of Leslie Foot. She said she remembered seeing Saxton and Mrs. George together often, but did not notice anything out of the way. They were well pleased with each other. She made some light shirts for Saxton. They were embroidered and of very fine quality. She said Mrs. George dressed plainly but neatly and had no jewelry to speak of.

Oscar K. Brown is cashier of the Lincoln County Bank, Canton, S. D. He testifies that he is acquainted with deponent Annie E. George and that he knew that she resided in South Dakota in 1891 and 1892 and was boarding at the Harland house and had no occupation that he knew of. He cashed some drafts for her. There were nine drafts in all, aggregating in amount to \$450. All of them were endorsed by defendant Annie E. George, and a portion of them were endorsed to her by George D. Saxton, or at least purported to be endorsed by him; such a signature was upon the drafts preceding hers. A number of drafts drawn by the City National Bank of Canton, Ohio, for sums from \$25 to \$100 are enumerated in the deposition.

Claud Treet, in the hardware business at Canton, said he knew Mrs. George in 1891 and 1892; saw her at the Harland house in Canton; she was simply stopping at the hotel; as far as he knew she had no particular occupation; knew of her making neckties and saw her embroider the fronts of two gentlemen's Japanese silk nightshirts; saw her and Saxton in the parlor of the hotel and noticed that they were in there together he withdrew. He saw them once or twice together on the street, going to and from the postoffice. In answer to a question as to their conduct toward one another, he said they seemed to be "sweet and affectionate."

Charles E. Judd's deposition was presented. He is president of the First National Bank of Canton, S. D. He said he saw Mrs. George at Canton and later saw her and a man at the Hotel Boege at Sioux City. In the language of the deposition: "I observed the room into which they went; I also made an examination of the register for the purpose of ascertaining, if possible, who was assigned to it, prompted thereby by curiosity to know who would be with Mrs. George, having understood that her husband was not in this part of the country, and she being reported as being in Canton, S. D., for the purpose of obtaining a divorce; I observed upon the register opposite the indication of an assignment to room 201 the entry 'George Saxton and wife' or 'George D. Saxton and wife, Canton.' Deponent further testified that room 201 was a private bedroom."

Robert Hunter, a lawyer of Sioux City, Iowa, testified that he had called at the Boege house shortly after February 16, 1892, and that he went there to examine the register of the hotel to see if George D. Saxton was stopping there or had been recently or had been about that date; he had made an examination and found on the register under date of February 16, 1892, the entry "George D. Saxton and wife, Canton," and opposite the name an address room 201.

The deposition of Abraham L. Goldberg of Detroit, formerly of the Goldberg store in the Saxton block, was taken. He told of the relations of Saxton and Mrs. George.

In cross-examination the deponent said he did not see Saxton in Mrs. George's rooms between August 1, 1896, and April 1, 1897; he did see them in the hallway frequently when going to and from his room. Witness was not in her rooms during this time.

Q.—Were you not, between April 1, 1896, and April 1, 1897, very well acquainted with Mrs. Annie E. George?

A.—Yes; I was well acquainted with her.

Q.—Did you, in her husband's absence, Continued on page 5.

## MAN IN BLACK

Was Seen In Lincoln Avenue the Night When Murder Was Committed.

## MAY HAVE FIRED THE BULLETS AT SAXTON.

One Witness Declares Such a Person Was Lurking Around When Saxton Was Approaching

## BUT HE COULD NOT BE RECOGNIZED BY WITNESS.

Simple C. George Will Be in Court Thursday and May Assist in Saving the Life of His Former Wife and the Mother of His Two Bright Boys—The Testimony for the Defense is Growing More Interesting Daily as the Case Progresses.

[From Wednesday's daily.]

The defense is having its inning in the case of Ohio against Annie E. George, and it is systematically at work to break down the testimony of the state witnesses. The fact has been pretty well established already that it was a very dark night when the alleged homicide was committed. Some testimony has been introduced to show that it was a physical impossibility for Mrs. George to have been on the car the state says she was, and yet reach the scene of the tragedy in time to take part in it.

A prominent feature of the testimony of Wednesday morning was the introduction of a mysterious man in the case. This man was introduced by a witness who met him in Lincoln avenue a short time prior to the alleged killing. It was said by the witness that he passed the dark, mysterious man near the Althouse house, and that a little later he passed Saxton on Tuscarawas street. Saxton was on his wheel. He turned into Lincoln avenue, in the direction taken by the mysterious man, and a few moments later was dead. This testimony indicates that the defense is not only going to deny that Mrs. George did the killing, but is going to try to come closer than the state has come to proving the sex of the person who did it.

One of the chief witnesses for the state testified that the figure she saw might have been a man or a woman. A man with a mackintosh would make about the same appearance. The question is whether the man with the mackintosh will be got into the vicinity of the crime. The witness who met the mysterious man could not say how he was dressed.

Simple C. George will be in court tomorrow. Last night his son Newton telegraphed him that his presence would be needed. He will take the stand and assist in saving the life and liberty of the accused, who was once the wife of his bosom, but who left him for the more seductive pleasures of the world.

## TUESDAY AFTERNOON.

Jos. Ph. Ekroate, the Grocer, Placed Upon the Stand.

Joseph Ekroate, who keeps the grocery diagonally across the street from the Althouse residence, was placed on the stand at the Tuesday afternoon session of court. His examination was conducted by Mr. Welty.

"What kind of a light was in your store on the night of October 7?" asked Mr. Welty.

"A small hand lamp," answered Mr. Ekroate.

"Where was it located?"

"In the rear of the store."

Witness said he heard the shots while he was at supper. He went out into the yard and saw his daughter standing at the gate.

"What kind of a night was it?"

"It was a dark night."

"What did you see across the street?"

"I didn't see much of anything. Some men were across the street, but I did not recognize them, as it was too dark. I did not go across the street."

"How were the limbs of the trees about your premises on that night?"

"They were lower than they are now."

"You have made an experiment since from your store room?"

"Yes sir; I could not see across the street on the following night."

Witness said he placed himself in the same position his wife was in on the night of the shooting and he could not see across the street to the Althouse steps without looking through a cherry tree.

Witness was cross examined by Mr. Grant. He said he had but one eye, but that he could see as well as most men. He said he could see a great distance. He didn't see his wife go into the room from the supper table. Further, witness said his daughter screamed when he came out in the yard and told him some one had been shot.

"You have a large light in the window of your grocery store, haven't you?"

"Yes sir; but I didn't have it lighted."

"Why didn't you have it lighted?"

"I just light that light when I feel like it, Mr. Grant."

"Did you know anyone who was across the street?"

"I don't know. It was too dark to tell."

"You testified before the grand jury?"

"Yes sir."

"Who have you been talking with about this case?"

"I talked with Mr. Welty and Mr. Sterling and also to Mr. Pomerene."

"Any one else?"

"I talked to you."

"About this case?"

"No sir."

"Oh, I bade you the time of day?"

"Yes, you did; but the other day you wouldn't. You were mad at me then."

"Haven't you been trying to keep witnesses from testifying?"

"No sir."

After a few more questions Mr. Grant let the witness go.

"Thank you," said the old man as he walked away.

He was about the most cheerful proposition that has appeared in the case yet, and croaked laughter at his manner in the witness box and his sallies at Mr. Grant. The crowd was loath to part with him.

Mrs. Crife was recalled for further cross-examination, but nothing of importance was adduced.

#### JOHN BERGER.

Says They Had to Light Matches in Order to Recognize the Dead Man.

John Berger, residing at the Schmidt home, was called. He was in the kitchen, reading a paper, when he heard the shots. He said the leaves were falling from the trees at about that time but there were still a good many leaves on the trees. When witness heard the shots he remained in the house and the Schmidt boy came in and told him a man had been shot and was in front of the Althouse residence.

"I went over. There were several fellows there then. I didn't recognize who the man was until he was put in the patrol wagon. We lighted matches so that we could see."

"What was the condition of the street?"

asked Mr. Sterling.

"Well, it wasn't very muddy, for I didn't get any mud on my shoes," answered witness.

"What kind of a night was it?"

"It was a dark, cloudy night."

"Did you see Mr. Depplish there that night?"

"I don't remember having seen him."

Mr. Berger was cross-examined by Mr. Grant.

"An elm tree sheds its leaves earlier than a maple tree?"

"I do not know."

"You say some leaves had fallen?"

"Yes sir."

"How many had fallen?"

"I think about one-third had already fallen."

"Was the body of Saxton lying with the head down?"

"Yes sir; it was partly hidden."

"You tramped through the fields about there that night?"

"Yes sir."

"Your feet didn't get muddy?"

"No; there might have been a little mud on them."

"Did you get your clothes wet?"

"No; but I got some jaggers on them."

Continued on Page 5.